

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. Pastor Council, et al.

Plaintiffs,

v.

**Equal Employment Opportunity
Commission**, et al.,

Defendants.

Case No. 4:18-cv-00824-O

STIPULATION OF FACTS AND JOINT STATUS REPORT

The parties stipulate to the following:

1. Bear Creek Bible Church claims that it is not aware of any job applicants being “engaged in sexually immoral behavior, including homosexuality [or] gender non-conforming behavior, including cross-dressing, transvestism, efforts to change or transition one’s gender, or asserting a gender identity that departs from one’s biological sex,” 2d Am. Compl. ¶ 87, ECF No. 45. The Church also claims that it has never been aware of its employees engaging in such behavior during the time they were employed by the Church.

2. Bear Creek Bible Church claims that it has not taken any adverse employment action against employees or applicants for employment in a manner that would violate Title VII as interpreted in *Bostock v. Clayton Cty.*, 140 S. Ct. 1731 (2020).

3. Bear Creek Bible Church claims that it has not had an employee who has sought to use a restroom reserved for the opposite biological sex.

4. Bear Creek Bible Church claims that no employee or job applicant has asked it to “recognize same-sex marriage or offer benefits to same-sex partners of its employees,” 2d Am. Compl. ¶ 87.

5. Braidwood Management Inc. claims that it is not aware of any of its employees or job applicants being engaged in “sexually immoral behavior or gender non-conforming conduct,” *id.* ¶ 43.

6. Braidwood Management Inc. claims that it is not aware of any need to take an employment action regarding any particular employee or job applicant that would violate Title VII as interpreted in *Bostock*.

7. Braidwood Management Inc. claims that it has not had an employee who has sought to use a restroom reserved for the opposite biological sex.

8. Braidwood claims that no employee or job applicant has asked it to “recognize same-sex marriage or extend benefits to an employee’s same-sex partner,” 2d Am. Compl. ¶ 44.

9. Plaintiffs’ claim that the EEOC “threatens [them] with penalties and lawsuits,” *e.g., id.* ¶ 88, is based only on Exhibits 1 and 2 to the Second Amended Complaint, ECF Nos. 45-1 & 45-2, and the EEOC’s lawsuit against Harris Funeral Homes, 884 F.3d 560 (6th Cir. 2018).

In addition, the parties propose the following briefing schedule:

- Plaintiffs’ Motion for Class Certification and Summary Judgment: June 2, 2021
- Defendants’ Response to Plaintiffs’ Motion for Class Certification: July 2, 2021
- Plaintiffs’ Reply Brief in Support of Class Certification: July 23, 2021

After the Court rules on the plaintiffs’ motion for class certification, the parties will submit a joint status report within 14 days to propose a briefing schedule for the defendants response to the plaintiffs’ motion for summary judgment and the plaintiffs’ reply brief, as well as any cross-motion for summary judgment that the defendants may wish to submit.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on May 3, 2021, I served this document through CM/ECF upon:

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